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10 Attorneys for Defendants
11 K-M Industries Holding Co. Inc.;
12 K-M Industries Holding Co. Inc. ESOP Plan Committee;
13 and CIG ESOP Plan Committee

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

THOMAS FERNANDEZ and LORA SMITH,) Case No. C 06-07339 MJJ
individually and on behalf of a class of all other)
persons similar situated,) JOINT STIPULATION AND [PROPOSED]
Plaintiffs,) ORDER EXTENDING DEADLINE FOR
vs.) SERVICE OF DEFENDANTS' WRITTEN
K-M INDUSTRIES HOLDING CO., INC.; K-) RESPONSES TO DISCOVERY
M INDUSTRIES HOLDING CO., INC. ESOP) PROPOUNDED BY PLAINTIFFS
PLAN COMMITTEE; WILLIAM E. AND)
DESIREE B. MOORE REVOCABLE TRUST;)
TRUSTEES OF THE WILLIAM E. AND)
DESIREE B. MOORE REVOCABLE TRUST;)
ADMINISTRATOR OF THE ESTATE OF)
WILLIAM E. MOORE, DECEASED; CIG)
ESOP PLAN COMMITTEE; and NORTH)
STAR TRUST COMPANY,)
Defendants.)
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1 WHEREAS, Plaintiff served requests for production of documents, requests for admissions
 2 and interrogatories on all Defendants on April 2, 2007;

3 WHEREAS, under the Federal Rules of Civil Procedure, Defendants' responses to Plaintiffs'
 4 first set of requests for production of documents, requests for admissions, and interrogatories are due
 5 on May 7, 2007;

6 WHEREAS, due to the scope of the requested discovery and the circumstances of the case,
 7 including the availability of witnesses and pertinent information, Defendants require a brief
 8 extension of time to respond to the written discovery propounded by Plaintiffs;

9 WHEREAS, Plaintiffs and Defendants have agreed to a brief stipulated extension of time for
 10 all Defendants to respond to the first set of requests for admission and interrogatories propounded by
 11 Plaintiffs;

12 WHEREAS, Plaintiffs and Defendants K-M Industries Holding Co., Inc., K-M Industries
 13 Holding Co., Inc. ESOP Plan Committee and CIG ESOP Plan Committee (collectively, "Corporate
 14 Defendants") have agreed to a brief stipulated extension of time for the Corporate Defendants to
 15 respond to Plaintiffs' requests for production;

16 WHEREAS, the agreed-upon extensions of time will not affect the trial date or any of the
 17 deadlines established by the Court;

18 WHEREAS, the Corporate Defendants have agreed to make all reasonable efforts to provide
 19 witnesses for Rule 30(b)(6) depositions during the last two weeks of May;

20 Accordingly, IT IS HEREBY AGREED AND STIPULATED by the parties through their
 21 counsel of record, that the deadline for Defendants' responses to the discovery propounded by
 22 Plaintiffs on April 2, 2007 shall be extended as follows:

23 a. All Defendants shall serve written responses to Plaintiffs' first set of requests for
 24 admission and first set of interrogatories no later than May 11, 2007;

25 b. The Corporate Defendants shall serve written responses to Plaintiffs' first set of
 26 requests for production of documents no later than May 11, 2007.

27 c. The deadline for Defendant William E. And Desiree B. Moore Revocable Trust and

1 Defendant North Star Trust Company to respond to Plaintiffs' requests for production shall remain
2 unchanged by this Stipulation.

5 DATED: April 26, 2007

LOVITT & HANNAN, INC.

7 By: _____ /S/

8 Henry I. Bornstein

9 Attorneys for Defendants K-M Industries Holding
10 Co., Inc.; K-M Industries Holding Co., Inc. ESOP
Plan Committee; and CIG ESOP Plan Committee

12 DATED: April 26, 2007

HENNIGAN, BENNETT & DORMAN LLP

15 By: _____ /S/

16 Robert L. Palmer

17 Attorneys for Defendant William E. And Desiree B.
Moore Revocable Trust

19 DATED: April 30, 2007

MORGAN LEWIS & BOCKIUS LLP

21 By: _____ /S/

22 Lisa Serebin

23 Attorneys for Defendant North Star Trust Company

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2 DATED: April 27, 2007
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LEWIS, FEINBERG, LEE, RENAKER &
JACKSON, P.C.

6 By: _____ /S/
7 Todd Jackson
8 Attorneys for Plaintiffs Thomas Fernandez and Lora
9 Smith
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ORDER

12 **IT IS SO ORDERED.**
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15 DATED: May 7, 2007



16 The Honorable Martin J. Jenkins
United States District Judge
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